

9432-000084 GAS  
Office Action Summary  
MAR 04 2003  
PATENT OFFICE

|                                |                          |
|--------------------------------|--------------------------|
| Application No.<br>09/425,592  | Applicant(s)<br>YU ET AL |
| Examiner<br>Calvin L Hewitt II | Art Unit<br>3621         |

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**  
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 10-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 10-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

***Status of Claims***

1. Claims 8, 10-15 and 17-20 have been examined.

***Response to Amendments***

2. Applicant is of the opinion that the prior art does not show two types of data being embedded into a digital medium. The Examiner respectfully disagrees. The Applicant states, when describing the orthogonality of the active hidden data layer and control data layer within a host signal (Specification page 9),

... it is envisioned that other orthogonal-aspects of the host data signal, such as other orthogonal features in the same domain (e.g. time, spectrum, etc.) or other features extracted from different orthogonal domains, may be used to embed the different layers (Specification, page 10, lines 1-4).

Therefore, as pointed out by the Examiner in the rejection to claim 16 (paper No. 4, page 4, lines 15-19), while Leighton discloses orthogonal signals and embedding watermarks using spectrum domain schemes (e.g. DCT), Rhoads ('214, column 52, lines 13-21) teaches encoding control data and active in orthogonal domains. Hence, in light of the Applicant's Specification (pages 9 and 10), the prior art continues to read on the limitation, "... active hidden data being embedded orthogonal to the control data in the embedded data stream".

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 10-15, and 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al., U.S. Patent No. 5,745,569 in view of Leighton et al., U.S. Patent No. 5,949,885 and Rhoads, U.S. Patent No. 6,311,214.

As per claims 8, 12-15, and 17-20, Moskowitz et al. ('569) teach a system for securing content using digital watermarks (abstract; column/line 5/19-6/67) comprising:

- providing active hidden data comprising executable machine instructions (abstract; column 2, lines 1-20; column 4, lines 56-67)
- embedding hidden data into a host signal (column 2, lines 10-14; column 5, lines 19-39; column/line 8/56-9/4)
- transferring the embedded data signal from a content provider device to a player device (column 7, lines 1-21; column/line 8/56-9/4)

- extracting and executing the hidden data on the player device (column/line 5/40-6/67; column 7, lines 1-21; column/line 8/56-9/4)
- providing hidden data and control data, embedding control data prior to transmitting hidden data and using the control data to ensure errorless extractability of the active hidden data prior to executing the hidden data on the player device (column 5, lines 40-67; column 6, lines 38-67)
- securing digital content using encrypted watermarking to hide code resources that are essential to the proper function of an application (column 2, lines 1-20; column 4, lines 34-67; column/line 5/40-6/22)
- a player device for accessing the encrypted digital watermark (column 6, lines 36-67; column 7, lines 1-21; column 8, lines 1-19; column/line 8/56-9/4)
- authentication data for authenticating data prior to extracting active hidden data (column 6, lines 8-67)

Moskowitz et al. ('569) do not explicitly recite orthogonal signals and domains, and spectrum domains. Nor do Moskowitz et al. explicitly recite error-correction.

Leighton et al. apply orthogonal signals and embedding watermarks using spectrum domain schemes (e.g. DCT) to digital content authentication (column 5, lines 39-57; column 10, lines 44-51) while Rhoads teaches encoding watermarks in digital music (column/line 51/6-53/43). In particular, Rhoads teaches an embedded data stream where active hidden data is orthogonal to

control data (column 52, lines 15-21). Regarding error correction, Barton teaches error correcting code for securing digital content (column 1, lines 25-33; column 4, lines 21-41; column/line 5/66-6/14; column 7, lines 27-32; column 11, lines 22-26) and applies an error correction algorithm to a watermark for authenticated digital content (figure 2; column 4, lines 54-67; column/line 7/55-8/27). Barton also teaches using authentication data embedded in digital content for authenticating content prior to extracting (column/line 5/50-6/54). Therefore, it would have been obvious to one of ordinary skill of the art to combine the systems of Moskowitz et al., Leighton et al., Rhoads and Barton. Moskowitz et al. direct their system to embedding digital watermarks with license information ('569, abstract) therefore, it would have been obvious to encode updated license data such as "copy never" in a domain orthogonal to the domain of the first watermark (or content data) so that it will be detectable in the continued presence of the first watermark (or content data) ('214, column 52, lines 13-21). Also, by applying the perpetual watermarking technique of Leighton et al. ('885, abstract) illicit copies and copier can be detected even if multiple persons combined to create the illicit copy. Recall, Moskowitz et al. teach hiding code resources that are essential to the proper function of an application (column 2, lines 1-20; column 4, lines 34-67; column/line 5/40-6/22). Therefore, it would have been obvious implement the stegacipher of Moskowitz et al. ('569, column 5, lines 40-67) comprising error-correction code (column 9, lines 8-17) in order to

prevent users from enjoying an unauthorized but fully functional, error-free end-product or identifying changes in content ('374, column 4, lines 21-41; column 11, lines 22-26).

As per claims 10 and 11, Moskowitz et al. teach securing digital content using encrypted watermarking to hide code resources that are essential to the proper function of an application (column 2, lines 1-20; column 4, lines 34-67; column/line 5/40-6/22) and Barton teaches error correcting code for securing digital content (figure 2; column 1, lines 25-33; column 4, lines 21-41; column/line 5/66-6/14; column 11, lines 22-26). Neither reference explicitly recites orthogonal signals and domains, and spectrum domains. Leighton et al. apply orthogonal signals and spectrum domain analysis to digital watermarking (column 5, lines 39-57; column 10, lines 44-51) while Rhoads teaches encoding watermarks in digital music (column/line 51/6-53/43). Therefore, it would have been obvious to one of ordinary skill of the art to combine the systems of Moskowitz et al., Barton, Leighton et al. and Rhoads. Both Moskowitz et al. and Barton teach methods for embedding digital watermarks with content-related information ('569, abstract; '374, figure 2) therefore, it would have been obvious to encode updated content data such as "copy never" in a domain orthogonal to the domain of the first watermark (or content data) so that it ["copy never" message] will be detectable in the continued presence of the first watermark (or content data) ('214, column 52, lines 13-21). Also, by applying the perpetual watermarking technique of

Leighton et al. ('885, abstract) illicit copies and copier can be detected even if multiple persons combined to create the illicit copy ('885, column 2, lines 13-22).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.




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Calvin Loyd Hewitt II

October 1<sup>st</sup> 2002



**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### 1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

### 2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

#### Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/425,592      | 10/22/1999  | HONG HEATHER YU      | 9432-000084         | 9761             |

7590 10/09/2002

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EXAMINER

HEWITT II, CALVIN L

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.